

REMARKS/ARGUMENTS

Reconsideration and allowance of this application is requested in view of the amendments above and the remarks that follow hereinafter.

Claim 31 is objected to as being dependent upon a canceled claim 14. This objection is now believed moot since claim 31 has been canceled.

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Follis in view of Goodrich et al. The Examiner appears to aver that Follis teaches what Applicant claims expect an embodiment where hollow tubes form an array of tubes (capillary array). The Examiner avers that this deficiency is taught by Goodrich et al. since, in the Examiner's opinion, Goodrich et al. teaches an array of cylindrical lens that may be used to receive laser light and project the light onto a line in a plane (fig. 4, col. 2, lines 41 – 60). Thus, the Examiner avers that it would be obvious to one of ordinary skill in the art at the time that the invention was made to modify Follis to provide for plane/line pattern formations when projecting light onto an array of cylindrical elements to produce an improved visible line in the plane. Applicant takes exception to this position and request that the rejection be withdrawn for a number of reasons. First, Applicant submits that even if the teachings of Goodrich et al. in FIG. 4 were combined with Follis, a 360° circle of light would not be produced as claimed by Applicant. Cylindrical lenses 6, 8 and 10 of Goodrich et al. do appear to project a beam 11 from laser 2 onto a continuous line 14, however, this is quite different from a 360° circle as claimed and Applicant cannot find a teaching in the patent that would lead one to contemplate making a 360° circle as claimed.

Secondly, claim 17 calls for a capillary array and Applicant submits that the lenses 6, 8 and 10 of Goodrich et al. do not fall within the definition of a capillary array.

Thirdly, Applicant submits herewith a 131 Affidavit that swears behind the effective date of Goodrich et al. and request that the patent be withdrawn as prior art. As clearly shown in the Affidavit, Applicant had conceived and with due diligence reduced the claimed invention to practice before the October 4, 2000 filing date of Goodrich et al.

Claims 24 and 31 have been canceled.

Applicant submits that new claim 41 is patentable because there appears to be no teaching in either Follis or Goodrich et al. of bundling an array of capillary tubes as disclosed in FIG. 2 of Applicant's drawings. Applicant submits that there is no issue of new matter since a bundle of capillary tubes is shown in FIG. 2 of the drawings and described in the specification on page 5, lines 6 – 11.

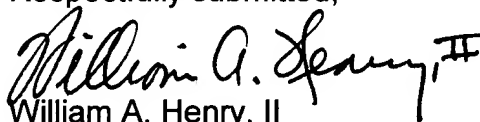
Claims 10, 30 and 36 are allowed.

The patents cited as of interest to Orosz, Jr. and Douglass, II are acknowledged, however, Applicant submits that they in no way anticipate or make the claims as presently presented obvious.

Application No. 09/728,756

In view of the foregoing amendments and remarks the subject application is believed to be in condition for allowance. Therefore, further consideration and allowance of the subject application is requested. If the Examiner considers personal contact advantageous to the disposition of this case, please call Applicant's Attorney, William A. Henry, II at (585) 385-3798.

Respectfully submitted,

A handwritten signature in black ink, reading "William A. Henry, II". The signature is written in a cursive, flowing style with a prominent "W" and "H".

William A. Henry, II
Attorney for Applicant
Registration No. 26,403

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